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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,542	11/14/2003	Allan Joel Goldman	07735/0200436-US0	7967
7278	7590	05/05/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			WELCH, GARY L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/713,542

Applicant(s)

GOLDMAN, ALLAN JOEL

Examiner

Gary L. Welch

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-29 is/are allowed.
- 6) ☒ Claim(s) 1-6, 15-21, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 7-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07162004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Reference number "264" (page 11, line 18) is not provided in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: It appears that the following change is required:

Page 11, line 17: Change "144" to --148--

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 13, 14 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims require "front and rear clamp members". There is insufficient antecedent basis for this limitation in the claims.

Claim 14 depends from rejected claim 13 and is rejected under 35 U.S.C. 112, second paragraph accordingly.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 6, 15-21, 30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Yang (U.S. Patent Application Publication US2004/0065702).

Yang discloses a garment hanger 10 having a crossbar 12 with first and second ends. A hook member 14 is coupled to the crossbar 12 to permit hanging of the garment hanger. A first clamp assembly 20 is disposed at the first end of the crossbar and a second clamp assembly 22 is disposed at the second end of the

crossbar. Each clamp assembly (20, 22) has a first 26 and a second 28 clamp members that are pivotally coupled to one another and are urged toward one another by a biasing element 34. Each of the first 26 and second 28 clamp members have an inner clamp surface with a pair of locking posts (83, 85; Page 2, Paragraphs 0032 and 0033) extending outwardly from the inner clamp surface and each has a locking feature at the distal end thereof (i.e., their diameters; Paragraph 0036). A resilient pad (50, 60) is coupled to each inner clamp surface in a removable manner by inserting the locking features of the locking posts into and through complementary openings formed in the resilient pad (Figure 5) such that the resilient pad (50, 60) is securely held on the inner clamp surface by an interference fit between the locking features and one face of the resilient pad. With regard to claim 2, the resilient pad (50, 60) has a base section for contacting and gripping the garment and a pair of flexible flange sections formed at each end of the base (52, 54, 62, 64) wherein the openings are in the flexible flange sections.

With regard to claim 3, the locking feature is an increased diameter sized for securely being received by the openings. The recitation "enlarged section" does not offer any structure that further limits the claim. Enlarged with respect to what other element or surface?

With regard to claim 6, the inner clamp surface has a raised platform 86 that includes a peripheral lip (Figure 5) extending therearound. The pair of openings

Art Unit: 3765

(82, 85) are formed through a floor of the raised platform. The locking posts (83, 85) extends across one opening formed in the raised platform.

With regard to claims 15-20, the resilient pads (50, 60) are fabricated from a co-polymer such a rubber and rubber compounds.

With regard to claim 21, each of the inner clamp surfaces has a raised platform 86 that includes a peripheral lip extending therearound. The platforms 86 are formed on both the front and rear clamp members and are parallel to one another when the members are clamped together.

With regard to claims 30 and 31, the claims are rejected in one or more of the above rejected claims.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zuckerman (U.S. 6,382,479).

Zuckerman discloses a garment hanger 10 having a crossbar 12 with first and second ends. A hook member 14 is coupled to the crossbar 12 to permit hanging of the garment hanger. A first clamp assembly 20 is disposed at the first end of the crossbar and a second clamp assembly 20 is disposed at the second end of the crossbar. Each clamp assembly (20, 22) has a first and a second

clamp member that is pivotally coupled to one another and is urged toward one another by a biasing element 34 (Figure 2A). Each of the first and second clamp members has an inner clamp surface. A resilient pad 60A is coupled to each inner clamp surface. The pad is securely held on the inner clamp surface by an interference fit.

However, Zuckerman does not disclose that the inner clamp surface has a locking posts and that the pad has openings for accepting the locking posts of the inner clamp surface. Zuckerman teaches the opposite with respect to the instant invention in that the connection of the pad with the inner clamping surface is by a locking post formed on the pad, which is inserted into respective openings formed on the inner clamp surface.

A review of applicant's specification does not disclose the criticality for the claimed orientation (i.e., why it would be better to have the locking posts on the inner clamp surface than on the resilient pad.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made reverse the connection orientation of Zuckerman to have the locking posts formed integrally with the inner clamping surface and to have openings formed in the resilient pad to receive the flexible locking posts. The connection would be the same or functionally equivalent regardless of the orientation.

With regard to claim 3, the locking feature has an enlarged section (Figure 2A).

With regard to claim 4, the locking feature has a rounded head as viewed from the front and has edges that extend beyond the distal end of the post (Figure 2A).

With regard to claim 5, the locking feature is a pair of slanted edges that come together to form an apex (Figure 2A). The edges have opposite free edges that define a locking shoulder that creates an interference fit once the locking shoulder is inserted into the opening.

9. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zuckerman (U.S. 6,382,479) in view of Garrison et al. (U.S. 5,183,191).

Zuckerman discloses the invention substantially as claimed above.

However, Zuckerman does not disclose the material of the resilient pads.

Garrison et al. teaches a garment hanger 10 having resilient pads (23, 25) attached to the inner clamping surfaces of clamp members (13, 14). The pads are fabricated from rubber and/or styrene polymers, which provides sufficient friction for positively gripping the garments.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to fabricate the resilient pads of Zuckerman from rubber and/or styrene polymers as taught by Garrison et al. so as to ensure sufficient friction is provided for positively gripping the garments.



***Allowable Subject Matter***

10. Claims 7-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 22-29 are allowed.

***Conclusion***

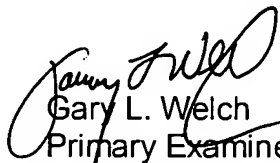
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached form, PTO-892, discloses various garment hangers having a crossbar and clamping members affixed thereto having resilient pads disposed onto the inner clamping surfaces of the clamping members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Welch  
Primary Examiner  
Art Unit 3765

glw